

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR
ADMISSIONS, INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH
CAROLINA et al.,**

Defendants.

[PROPOSED] ORDER

This matter is before the Court on Defendants' Motion to Stay Proceedings (Doc. 45) pending a decision by the United States Supreme Court in *Fisher v. University of Texas at Austin*, No. 14-981 ("Fisher II").

Plaintiff Students for Fair Admissions, Inc. challenges the University of North Carolina at Chapel Hill's undergraduate admissions policies under 42 U.S.C. §§ 1981, 1983, and § 2000d and the Fourteenth Amendment to the U.S. Constitution.

On June 29, 2015, the Supreme Court granted review in *Fisher II* and agreed to consider whether the Fifth Circuit's re-endorsement of the University of Texas at Austin's use of racial preferences in undergraduate admissions decisions can be sustained under Supreme Court precedent interpreting the Equal Protection Clause of the

Fourteenth Amendment, including *Fisher v. University of Texas at Austin*, 133 S. Ct. 2411 (2013).

With respect to the present Motion to Stay, Defendants contend that this litigation, including discovery, should be stayed pending the Supreme Court's decision in *Fisher II*. Having considered this request, the Court concludes that a stay is appropriate.

The Court has discretionary authority to stay proceedings "incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936). In exercising that discretion and balancing the competing interests in the present case, the Court finds that there are clear and convincing circumstances that outweigh any potential harm caused by a stay in light of the important issues raised in this case already under review by the Supreme Court in *Fisher II*.

IT IS HEREBY ORDERED that the Motion to Stay Proceedings be GRANTED, that all proceedings in this case be stayed pending the Supreme Court's decision in *Fisher v. University of Texas at Austin*, No. 14-981, and that the parties be directed to notify the Court in writing of their position on the course of future proceedings within 14 days following issuance of a decision by the Supreme Court in *Fisher II*.

This the ____th day of July, 2015.

Loretta C. Biggs
United States District Judge